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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/398,987 09/17/99 MAMMEL

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PM82/1003

EXAMINER

ROWAN, K

ART UNIT

PAPER NUMBER

3643

DATE MAILED:

10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/398,987

Applicant(s)  
MAMMEL

Examiner  
Kurt Rowan

Group Art Unit  
3643



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-39 is/are pending in the application.

Of the above, claim(s) 1-9 and 23-39 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 10-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5, 6, 7, 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, drawn to an attractor and line loop, classified in class 43, subclass 44.83.
  - II. Claims 10-22, drawn to a line loop and method, classified in class 289, subclass 1.2.
  - III. Claims 23-30, drawn to a method of forming a hook, classified in class 29, subclass 428.
  - IV. Claims 31-39, drawn to a hook with blockers, classified in class 43, subclass 43.16.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as on other fish attractors or hooks which do not have a gap between the eye and the shank. See MPEP § 806.05(d).
3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately

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usable. In the instant case, invention III has separate utility such as being used with a different knot. See MPEP § 806.05(d).

4. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as with other kinds of knots. See MPEP § 806.05(d).

5. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as forming a hook which can be used with other kinds of knots. See MPEP § 806.05(d).

6. Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as with other types of knots. See MPEP § 806.05(d).

7. Inventions III and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as by integrally forming the blockers on the shank.

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8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Mr. Felger on Sept. 5, 2000 a provisional election was made with traverse to prosecute the invention of Group II, claims 10-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-9, 23-39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Specification***

10. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

12. Claims 10, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by The Uni-Knot. The Uni-Knot shows a fishing line having a first end and a sliding loop formed on the first end of the line for engaging the line with a fishing device.

13. Claims 10, 11, 14, 17, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by PRESENTING THE FLY George Harvey dry-fly knot.

The George Harvey dry-fly knot shows a fishing line and a sliding loop formed on a first end of the fishing line for releasably engaging the fishing line with a fishing device.

### *Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Uni-Knot.

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The Uni-Knot has been discussed above and is shown with a fishing line. However, it would have been obvious to tie the knot with a leader or tippet since the function is the same. The examiner takes Official Notice that leaders and tippets are old and well known in the art and that knotting both is also well known to attach them the fishing line.

16. Claims 13, 16, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over PRESENTING THE FLY George Harvey dry-fly knot as applied to claims 10, 17 above, and further in view of Smith.

The patent to Smith shows a fishing lure 20-21 attached to a body 10 by a leader 18 having fixed loops 17, 19. The body 10 is connected to another leader 28 by a fixed loop 27 and the opposite end of the leader has another fixed loop 29. The PRESENTING THE FLY George Harvey dry-fly knot has been discussed above. In reference to claims 13, 19, the George Harvey knot does not show a second end of the fishing line having a fixed loop. However, it would have been obvious to provide the George Harvey knot with a fixed loop as shown by Smith to attach other fishing tackle such as a casting weight. In reference to claims 16, 21, Smith shows fixed loops on the second end of the first section and the first end of the second section.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over PRESENTING THE FLY George Harvey dry-fly knot as applied to claim 10 above, and further in view of Martuch.

The George Harvey dry-fly knot has been discussed above. The patent to Martuch shows a fly line connected to a leader 1 which is connected to a tippet 3 by knots 2, 5. In reference to

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claim 15, it would have been obvious to employ the George Harvey dry-fly knot with a tippet and leader connected to a fly line as shown by Martuch since merely the substitution of one knot for another is contemplated.

18. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over PRESENTING THE FLY George Harvey dry-fly knot as applied to claim 17 above, and further in view of The Uni-Knot.

The Uni-Knot and the George Harvey dry-fly knot have been discussed above. In reference to claim 18, the George Harvey dry-fly knot does not show wrapping the first end of the line around the central portion of the fishing line. However, The Uni-Knot shows wrapping the first end of a fishing line around a central portion of the fishing line in addition to forming a loop and winding the first end of the line through the loop. It would have been obvious to provide the George Harvey knot with wrapping the first end of the line around the central portion of the line as shown by The Uni-Knot to further connect the loop to the central portion of the fishing line.

### *Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Schulze, Kotov, and The Ashley Book of Knots, pages 48-57, 204 show other knots.

20.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink that reads "Kurt Rowan" with a stylized flourish at the end.

KURT ROWAN

PRIMARY EXAMINER

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September 28, 2000